

**QUAST DAIRY LOTS  
SIXTEEN-LOT MAJOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Tristan Riddell

**REVIEWED/  
APPROVED BY:** Renee Lemon

**PUBLIC MEETINGS:** Planning Board Public Meeting 7:00 p.m. May 7, 2008  
BCC Public Meeting: 9:00 a.m. June 10, 2008  
Deadline for BCC action (60 working days): June 19, 2008

**SUBDIVIDER:** R & G Inc.  
448 Quast Lane  
Corvallis, MT 59828

**REPRESENTATIVE:** Shepherd Surveying  
320 Adirondac Avenue  
Hamilton, MT 59840

**LOCATION OF REQUEST:** The property is located northeast of Corvallis off Quast Lane. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

SE ¼ of Section 28, T7N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on March 3, 2008. Agencies were notified of the subdivision on February 13, 2007 and March 3, 2008. Comments received from agencies are Exhibits A-1 through A-17 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated March 3, 2008. No public comments have been received to date.

**DEVELOPMENT  
PATTERN:**

Subject property:	Vacant Agricultural
North:	Agricultural
South:	Agricultural
East:	Agricultural
West:	Agricultural

**INTRODUCTION**

Quast Dairy Lots is a sixteen-lot major subdivision proposed on 36.35 acres. The proposal is for sixteen (16) residential lots. Lots will be served by individual wells and septic systems.

*Staff recommends conditional approval of the subdivision proposal.*

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
JUNE 10, 2008

**QUAST DAIRY LOTS  
SIXTEEN-LOT MAJOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the Quast Dairy Lots Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: The Planning Board should include a recommendation regarding parkland dedication as part of the motion.*)

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

***Notification of Irrigation Facilities and Easements.*** Within this subdivision there are irrigation and drainage easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The Daly Ditches Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of the irrigation infrastructure, including canals, ditches, and pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

***Limitation of Access onto a Public Road.*** A "no-ingress/egress" restriction exists along the Quast Lane frontage of the subdivision, excepting the approved approach to the internal subdivision road and the two common accesses. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

***Notification of Road/Common Access Maintenance Agreement.*** The internal subdivision roads are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road/common access maintenance agreement for the roads and the common accesses was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

***Notification of No-Build/Alteration Zones.*** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas

are not permitted. (Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Public Health & Safety)

**Notification of "very limited" or "severe" Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" or "severe" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited and severe soils in question are included as exhibits to this document [*the applicant shall include the reduced plat and exhibits as attachments*]. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

**Notification of Proximity to Natural Gas Line, Easement and No-Build Zone.** An 8" diameter natural gas main supply line is buried within a 50-foot wide utility easement and no-build zone that traverse the western portion of the property, as shown on the filed subdivision plat. The final subdivision plat identifies a 50-foot wide utility easement and no-build zone, which applies to residential, commercial and/or industrial structures, centered on the gas line. Northwestern Energy has the authority and jurisdiction to install, operate and maintain the existing natural gas pipeline traversing this subdivision in accordance with the Department of Transportation's Code of Federal Regulations and the standards within the Gas Transmission Right-of-Way Development Provisions. For further information regarding the gas line, please contact the Northwestern Energy Company, 1140 South First Street, Hamilton, Montana, 59840, (406) 542-5970. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.

- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**No-Build/Alteration Zones.** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building on areas with steep slopes. No new structure may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails,

and utility crossings through these areas are not permitted. However, the proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native vegetation (trees, shrubs) is allowed. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat*)

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

**Irrigation Facilities and Easement.** Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The Daly Ditches Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of the irrigation infrastructure, which includes canals, ditches, and pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

**Control of Noxious Weeds.** A Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural

Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or

water storage for fire protection. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
7. The subdivider shall submit a letter or receipt from the Corvallis School District stating that they have received a (amount to be determined at the Commissioner meeting) per lot contribution prior to final plat approval. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)
8. The subdivider shall submit (amount to be determined at the Commissioner meeting) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)
9. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Corvallis post office's standards, and that its installation has been approved by the Corvallis post office prior to final plat approval. Alternatively, the applicant provide evidence that the Corvallis post office does not want a CBU. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)
10. The internal subdivision roads shall be labeled as public road and utility easements on the final plat. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)
11. Stop signs and road name signs shall be installed at the intersections of the internal subdivision roads with Quast Lane and Dairy View Drive prior to final plat approval. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)
12. The final plat shall show a no-ingress/egress zone along the Quast Lane frontage of the subdivision, excepting the approved approach to the internal subdivision road, as approved by the Ravalli County Road and Bridge Department. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)
13. Prior to final plat approval, the applicant shall construct an off-road bus shelter near the intersection of the internal road and Quast Lane. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)
14. Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Quast Lane frontage of the property, near the intersection of Quast Lane and the internal subdivision road. Alternatively, the applicant shall submit documentation from the Corvallis School District that states they do not require a turnout on the property. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)
15. The applicant shall ensure that 30 feet of public road and utility easement has been dedicated along the Quast Lane frontage of the subdivision, extending from the property line. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)



16. The no-build alteration zones associated with steep slopes and the gas pipeline, as proposed by the developer on the preliminary plat, shall be shown on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Public Health & Safety*)

**FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - a. Project name
  - b. Title block
  - c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Certificate of park cash-in-lieu payment
  - i. Other certifications as appropriate
  - j. North arrow
  - k. Graphic scale
  - l. Legal description
  - m. Property boundaries (bearings, lengths, curve data)
  - n. Pertinent section corners and subdivision corners
  - o. Names of adjoining subdivisions/certificates of survey
  - p. Monuments found
  - q. Witness monuments
  - r. Acreage of subject parcel
  - s. Curve data (radius, arc length, notation of non-tangent curves)
  - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u. Lots and blocks designated by number (dimensions/acreage)
  - v. Easements/rights of ways (location, width, purpose, ownership)
  - w. Dedication for public use
  - x. No-build/alteration zones
  - y. No-ingress/egress zones
  - z. Water resources (rivers, ponds, etc.)
  - aa. Floodplains
  - bb. Irrigation canals including diversion point(s), etc.
  - cc. High-pressure gas lines
  - dd. Existing and new roads (names, ownership, etc.)
  - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - ff. No-build/alteration and no-build zones shall be shown on the plat as shown on the preliminary plat.
  - gg. The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.

5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
13. Road and Driveway approach and encroachment permits from RCRBD for the new approach and the change of use for the existing approach to Dairy View Lane.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads and Dairy View Lane shall be submitted with the final plat submittal.
17. Road certification(s). *(Staff Note: A professional engineer's certification on the road plans and final approval from the Road Department shall meet this requirement.)*
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. The applicant shall pay the pro rata share of the cost to improve the portion of Quast Lane leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
27. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).

- a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, school bus, construction of the internal subdivision roads, construction of the portion of Dairy View Lane leading to the subdivision, a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of), and installation of bus turnout, if required by the Corvallis School District.

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. Existing utilities are located along Quast Lane, which is within a 30-foot wide public road and utility easement. (Quast Dairy Lots Subdivision Application)
2. The applicant is proposing 60-foot wide public access and utility easements for the internal subdivision roads. (Quast Dairy Lots Subdivision Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### Conclusion of Law

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### Findings of Fact

1. The subdivision is accessed by Quast Lane, Dairy View Lane and two internal subdivision roads from Eastside Highway. (Quast Dairy Lots Subdivision Application)
2. Quast Lane is a County-maintained road, which provides legal and physical access. (RCSR – Exhibit A)
3. The applicant is required to pay the pro rata share of the cost to improve the portion of Quast Lane leading to the subdivision to meet County standards. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$54,264 in pro rata funds. (Quast Dairy Lots Subdivision Application)
4. Dairy View Lane is a non-County-maintained, non-County standard road within a proposed 60-foot wide public easement. (Quast Dairy Lots Subdivision File)
5. The applicant is proposing to construct the internal roads and the portion of Dairy View Lane providing access to the subdivision to meet County standards. (Quast Dairy Lots Subdivision Application)
6. The Road Department has granted preliminary approval of the road plans. (Exhibit A-1)
7. The applicant is proposing 60-foot wide public road and utility easements for the internal subdivision roads.
8. *To ensure legal and physical access to the subdivision, the following conditions and requirements shall be met:*
  - *The applicant is required to pay the pro rata share of the cost to improve the portion of Quast Lane leading to the subdivision prior to final plat approval. (Final Plat Requirement 26)*
  - *The applicant is required to submit final approval from the Road Department that the internal roads and the portion of Dairy View Lane have been constructed to meet County standards prior to final plat approval. (Final Plat Requirements 16, 17, and 27)*
  - *To ensure legal access, the applicant shall provide for 60-foot wide public road and utility easements for Dairy View Lane and the internal roads on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*

#### Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided via Quast Lane, Dairy View Lane, and the internal roads.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

#### Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 27):

- a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, school bus, construction of the internal subdivision roads, construction of the portion of Dairy View Lane leading to the subdivision, a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of), and installation of bus turnout, if required by the Corvallis School District.

#### Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

#### Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. There are water rights associated with the subject property delivered through the Daly Ditches Irrigation District. (Quast Dairy Lots Subdivision File)
3. The average lot size for this proposal is approximately 2.27 acres. (Quast Dairy Lots Subdivision File)
4. The land to be subdivided is subject to a contract with Daly Ditches, which is a public entity formed to provide the use of water rights for subdivided and unsubdivided property. (Quast Dairy Lots Subdivision File)
5. The subdivider is proposing to distribute irrigation water among all proposed lots, and has received approval from Daly Ditches for the split of the water rights. According to Daly Ditches, each lot will be allocated 1.72 to 4.10 irrigated acres of water. (Quast Dairy Lots Subdivision File)

6. *A master irrigation plan will be recorded prior to final plat approval. The master irrigation plan shall indicate the allocation of water rights as approved by Daly Ditches. (Requirement 20)*

#### Conclusion of Law

With the requirements of final plat approval, this prerequisite has been met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

#### Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. An existing 15-foot wide irrigation ditch easement traverses Lots 13, 14, 15, and 16. (Quast Dairy Lots Subdivision File)
3. The applicant is proposing an irrigation pipe within a 15-foot wide irrigation easement, which will provide irrigation water to Lots 1 through 12. (Quast Dairy Lots Subdivision File)
4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
  - *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

#### Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

**F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

#### Findings of Fact

1. The application states that 1.75 acres are required to meet the parkland dedication requirement. (Quast Dairy Lots Subdivision File)
2. The applicant is proposing to donate cash-in-lieu of dedicating parkland. (Quast Dairy Lots Subdivision File)
3. In a letter dated April 9, 2008, the Ravalli County Park Board stated they preferred cash-in-lieu of parkland dedication. (Exhibit A-2)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the

expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

5. *The cash-in-lieu payment shall be made prior to final plat approval. (Final Plat Requirement 12)*

#### Conclusion of Law

The applicant has proposed parkland dedication that meets State Law and is supported by the Park Board.

### **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Quast Dairy Lots Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Quast Dairy Lots Subdivision File)

##### Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Quast Dairy Lots Subdivision File)

##### Conclusion of Law

This proposal complies with existing zoning regulations.

#### **C. Existing covenants and/or deed restrictions.**

##### Findings of Fact

There are no existing covenants on the property. (Quast Dairy Lots Subdivision File)

##### Conclusion of Law

Compliance is not applicable.

**D. Other applicable regulations.**

Findings of Fact

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

Findings of Fact:

1. The proposed major subdivision on approximately 36.35 acres will result in 16 lots that range in size from 2.00 acres to 4.78 acres. The property is located northeast of Corvallis off Quast Lane. (Quast Dairy Lots Subdivision File)
2. The property is currently vacant. (Quast Dairy Lots Subdivision File)
3. Parcels surrounding the subject property are classified for tax purposes as agricultural rural, commercial rural, farmstead rural, residential rural and vacant rural. The subject property is classified as residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
4. According to the Web Soil Survey for Ravalli County, approximately 16.0% of the soils located on the property are categorized as "Prime farmland if irrigated". There are no soils classified as Farmland of Statewide Importance. (Quast Dairy Lots Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansey and Spotted Knapweed were scattered on the property. (Quast Dairy Lots Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*



- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

**Conclusion of Law:**

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

**CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

**Findings of Fact**

1. The property has water rights from the Daly Ditches Irrigation District. (Quast Dairy Lots Subdivision Application)
2. The subdivider is proposing to distribute irrigation water among the newly created lots, and has received approval from Daly Ditches for the split of the water shares. According to Daly Ditches, each lot will be allocated 1.72 to 4.10 irrigated acres of water per lot. (Quast Dairy Lots Subdivision Application)
3. According to an email received April 29, 2008 from Larry Shock of the DNRC, in addition to water shares administered through Daly Ditches, there is an existing well water right (76H-75180) for stock water and commercial dairy use. The applicant has proposed to retain this right with Lot 12. (Exhibit A-3)
4. The applicant has submitted a master irrigation plan which provides 15-foot irrigation pipeline easements to each of the proposed lots. In addition to the irrigation plan, an irrigation agreement has been submitted which describes the allocation of water shares and the watering schedule for each of the proposed lots. (Quast Dairy Lots Subdivision Application)
5. An existing irrigation ditch/pipeline traverses the northern end of the property across Lots 13 to 16. The irrigation ditch/pipeline is located within a 15-foot easement. (Quast Dairy Lots Preliminary Plat)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
  - *Master irrigation plan is required to be filed with the final plat.*
  - *All existing and proposed irrigation and drainage easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification and covenant stating that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications and covenants document. (Conditions 1 and 2)*

**Conclusion of Law**

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

**CRITERION 3: EFFECTS ON LOCAL SERVICES**

**Findings of Fact:**

**Fire Department**

1. The subdivision is located within the Corvallis Rural Fire District. (Quast Dairy Lots Subdivision File)
2. The Fire District was notified of the proposal, but no comments specific to this subdivision have been received to date. (Quast Dairy Lots Subdivision File)
3. The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-4)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*

- *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
- *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
- *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)*

#### School District

5. The proposed subdivision is located within the Corvallis School District. (Quast Dairy Lots Subdivision File)
6. It is estimated that eight school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
7. The applicant is proposing to contribute \$250 per lot to the School District. (Quast Dairy Lots Subdivision File)
8. Notification letters were sent to the Corvallis School District requesting comments on February 1, 2008 and April 15, 2008. (Quast Dairy Lots Subdivision File)
9. In a letter received April 24, 2008 (Exhibit A-5), Daniel Sybrant, Corvallis Schools Superintendent, stated that new subdivisions "certainly create additional costs to this school district". Additionally, he stated the following:
  - (a) The recently completed impact fee study for the Corvallis School District indicates that \$6800.00 per lot is requested to offset the costs to capital facilities.
  - (b) That the BCC should negotiate a fair fee with developers that will help offset the actual costs of educating additional children.
  - (c) That bus turnouts as well as shelters for students to stand under in inclement weather be installed where appropriate.
10. Even though the Corvallis School District has completed an impact fee study, Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
11. In his March 13, 2008 letter, Mr. Sybrant includes the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$6,544 for the Corvallis School District. (Exhibits A-5 and A-6)
12. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Corvallis School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 7 and Final Plat Requirement 24)*
13. *Prior to final plat approval, the applicant shall construct an off-road bus shelter near the intersection of Quast Lane and Jersey Road. (Condition 14)*
14. *Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Quast Lane frontage of the property. Alternatively, the applicant shall submit documentation from the*

*Corvallis School District that states they do not require a turnout on the property. (Condition 15)*

#### Public Safety

15. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Quast Dairy Lots Subdivision File)
16. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on February 1, 2008 and April 15, 2008, but no comments have been received from the Sheriff's Office. (Quast Dairy Lots Subdivision File)
17. This proposed subdivision is located approximately 8 miles from the Sheriff dispatch in Hamilton. (Quast Dairy Lots Subdivision File)
18. The average number of people per household in Ravalli County is 2.5. (Census 2000)
19. This proposal will add approximately 40 people to Ravalli County. (Census 2000)
20. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services for the potential 40 additional people. (Quast Dairy Lots Subdivision File)
21. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

#### Roads

22. There are 16 proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 128 vehicular trips per day, assuming eight trips per day per lot. (Quast Dairy Lots Subdivision File)
23. Quast Lane, a County-maintained road, provides access to the site. (Quast Dairy Lots Subdivision File and Ravalli County GIS Data)
24. The existing easement for Quast Lane is 30 feet. (Quast Dairy Lots Subdivision Application)
25. According to the RCRBD pro-rata estimate submitted with the application, there are 759 average daily vehicular trips (ADT) on Quast Lane past the subdivision site. The ADT that may result from this subdivision has the potential to increase traffic volume on Quast Lane by approximately 17%. (Staff Determination)
26. Because the subdivision does not have the potential to generate traffic greater than 25% of the current traffic volume on Quast Lane, the applicant was not required to complete a Traffic Impact Analysis for the subdivision. (Quast Dairy Lots Subdivision File)
27. The applicant is required to pay pro rata towards improving Quast Lane. (Section 5-4-5, RCSR)
28. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$54,264.00 in pro rata funds. (RCSR and Quast Dairy Lots Subdivision Application)
29. The proposal will require two additional approaches. Jersey Way will access onto Quast Lane and Holstein Circle will access onto Dairy View Lane. (Quast Dairy Lots Subdivision Application)
30. Dairy View Lane is a non-County maintained road that does not meets current County road standards. (Quast Dairy Lots Subdivision File)
31. The applicant is proposing to improve the portion of Dairy View Lane accessing the subdivision to full County standards. (Exhibit A-1)
32. The applicant is proposing two internal roads. Jersey Way will serve Lots 1 through 4 and Lots 10 through 16. Holstein Circle will serve Lots 5 through 9. (Quast Dairy Lots Subdivision Application)
33. There is a proposed Road Maintenance Agreement for Dairy View Lane and the internal roads. (Quast Dairy Lots Subdivision File)

34. The road plans for Dairy View Lane and the internal subdivision roads have received preliminary approval from the Ravalli County Road and Bridge Department. (Quast Dairy Lots Subdivision File, Final Plat Requirement 27, Exhibit A-1)
35. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
- *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *Prior to final plat approval, evidence of a Ravalli County approved road name petition for the new roads shall be provided. (Final Plat Requirement 14)*
  - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16)*
  - *Prior to final plat approval, the applicant shall submit certification from a professional engineer and Road Department approval showing that the internal subdivision roads and Dairy View Lane have been improved to meet County standards. (Requirements 17 and 27)*
  - *A Road Maintenance Agreement shall be signed, notarized, and submitted for Dairy View Lane and the internal roads. (Final Plat Requirement 19)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
  - *Stop signs and road name signs shall be installed at the intersection of Quast Lane with Jersey Way and at the intersection of Holstein Circle with Dairy View Drive. (Condition 11)*
  - *The easements for the internal subdivision roads shall be labeled as public road and utility easements on the final plat. (Condition 10 and Final Plat Requirement 2)*
  - *The final plat shall show a no-ingress/egress zone along the Quast Lane frontage of the subdivision, excepting the approved approach to Jersey Way, as approved by the Ravalli County Road and Bridge Department. (Condition 12 and Final Plat Requirement 2)*
  - *A notification of this limitation of access will be included in the notifications document. (Condition 1)*
  - *The applicant shall submit the final approved approach permits from the Ravalli County Road and Bridge Department prior to final plat approval for the new approach and the change in use for the existing approach to Dairy View Lane. (Final Plat Requirement 13)*
  - *The applicant shall ensure that 30 feet of public road and utility easement has been dedicated along the Quast Lane frontage of the subdivision, extending from the property line. (Condition 15)*

#### Ambulance Services

36. Ambulance services will be provided by either Marcus Daly Memorial Hospital EMS Department. Marcus Daly was contacted, but no comments have been received to date. (Quast Dairy Lots Subdivision File)
37. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

38. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Quast Dairy Lots Subdivision File)

#### Solid Waste Services

39. Bitterroot Disposal provides service to this site. (Quast Dairy Lots Subdivision File)

40. Notification letters were sent to Bitterroot Disposal requesting comments on February 1, 2008 and April 15, 2008, but no comments have been received. (Quast Dairy Lots Subdivision File)

#### Mail Delivery Services

41. In a letter dated June 8, 2007 and subsequent email dated June 29, 2007, the United States Postal Service requested that the applicant install a Collective Box Unit (CBU) to receive mail, and a concrete slab to place the CBU upon. (Exhibit A-11)
42. *To mitigate impacts on local services, the applicants shall install the concrete slab and CBU, and provide evidence of its approval by the Corvallis post office prior to final plat approval. Alternatively, the applicant may provide evidence that the Corvallis post office does not want a CBU. (Condition 9)*

#### Utilities

43. The proposed subdivision will be served by Northwestern Energy and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Quast Dairy Lots Subdivision File)
44. Notification letters were sent to the utility companies requesting comments on February 1, 2008 and April 15, 2008. (Quast Dairy Lots Subdivision File)
45. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Air Quality

1. In an email dated April 1, 2008, the Montana Department of Environmental Quality (DEQ) identified Ravalli County as a community that experiences poor air quality during certain periods of the year. (Exhibit A-7)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

##### Ground/Surface Water

4. According to National Wetlands Inventory data, a small area of the former gravel pit is identified as wetlands. The identified wetland appears to have been a result of standing water in the bottom of the old gravel pit. (Staff Determination)
5. The Bitterroot River and its tributaries (including irrigation ditches), are considered "waters of the United States" and are therefore protected under the Clean Water Act (33 Code of Federal Regulations Part 328)

6. It is unknown whether a surface water connection exists between this identified wetland and any "waters of the United States", and therefore it is unknown whether the wetland is considered to be under the jurisdiction of the US Army Corps of Engineers. (Quast Dairy Lots Subdivision File and Staff Determination)
7. Only the Army Corps of Engineers can legally determine whether wetlands are considered 'jurisdictional'. (USACE)
8. *To mitigate any potential impacts on the natural environment, the applicant is required to submit copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features. (Final Plat Requirement 23)*
9. The applicants are proposing individual wells and wastewater treatment facilities for all lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Quast Dairy Lots Subdivision File)
10. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-8, MCA 76-3-622)
11. In an email dated April 29, 2008 (Exhibit A-3), Larry Shock of the DNRC made the following comments in regards to domestic water usage:
  - A community wells system should be considered to help provide protection for senior water right users.
  - If individual wells are proposed, it may be advisable to have the developer consider shared wells.
12. *To mitigate impacts on the natural environment, the applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Light Pollution

13. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
14. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

#### Vegetation

15. The Montana Natural Heritage Program identified toothcup and bryum moss as plant species of concern found within the same section as the subject property. (Quast Dairy Lots Subdivision Application)
16. A sensitive species report was completed for the subject property and indicates that neither plant species was found on the subject property. (Quast Dairy Lots Subdivision Application)
17. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansy and Spotted Knapweed were scattered on the property. (Quast Dairy Lots Subdivision Application)
18. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
19. *To mitigate impacts on the natural environment, the following condition and requirement shall be met:*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

- A noxious weed control plan shall be submitted with the final plat. (Final Plat Requirement 11)

#### Archaeological Resources

14. There are no known sites of historical significance on the property. (Quast Dairy Lots Subdivision Application)
15. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

#### Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

#### **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

##### Findings of Fact:

1. In a letter dated March 7, 2008, FWP recommended living with wildlife covenants. (Exhibit A-9)
2. According to the Montana Natural Heritage Program (MNHP) in February of 2008, the Westslope Cutthroat Trout, Bull Trout, Townsend's Big-eared Bat, Fringed Myotis, Bald Eagle, Bobolink, Lewis's Woodpecker, Northern Alligator Lizard, Western Skink, and three separate subterranean amphipods were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Quast Dairy Lots Subdivision Application).
3. A Sensitive Species Report was completed, and indicates that the subject parcel does not consist of habitat necessary to support any of the reported sensitive species. (Quast Dairy Lots Subdivision Application)
4. *To mitigate impacts on wildlife, the covenants shall include a living with wildlife section. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

#### **CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

##### Findings of Fact:

##### Traffic Safety

1. Access is proposed off Quast Lane, Dairy View Lane, and the internal subdivision roads. (Quast Dairy Lots Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

##### Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Stevensville Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Quast Dairy Lots Subdivision Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

#### Water and Wastewater

5. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Quast Dairy Lots Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
7. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Natural and Man-Made Hazards

8. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
9. According to the Web Soil Survey for Ravalli County, there are soils rated as "very limited" for building and road construction. (Quast Dairy Lots Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
10. Approximately 66 acres of the subject property have not been mapped by the Web Soil Survey (WSS). In lieu of the WSS data, the US Department of Agriculture, Soil Conservation Service's "Special Soil Interpretations Report", states that there is one type of soil rated as severe for building and road construction. (*Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))
11. There are slopes greater than 25% located throughout this subdivision. The applicants are proposing no-build/alteration zones on the slopes. A portion of the steep slopes are associated with a gravel pit that is located on Lots 3, 5, 11, and 12. (Quast Dairy Lots Subdivision Application)
12. An 8-inch buried gas line maintained by Northwestern Energy traverses the property in a north to south direction across Lots 7, 8, 9, and 12. The Northwestern Energy Right-of-Way Development Provisions (Exhibit A-10) state: "No permanent structure will be built within 25 feet of [Northwestern Energy] pipeline without prior approval from [Northwestern Energy]." (Quast Dairy Lots Preliminary Plat and Subdivision Application)
13. Section 5-2-2(a)(13) of the Ravalli County Subdivision Regulations requires that land within 25 feet of a high pressure gas line that is eight inches or greater in diameter shall be labeled as a no-build zone. The no-build zone only applies to residential dwellings, commercial and industrial structures.
14. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
  - *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
  - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
  - *Notifications of the "very limited" soils in question shall be included in the notifications document. (Condition 1)*
  - *The no-build/alteration zones on slopes greater than 25% are required to be shown on the final plat, as shown on the preliminary plat. A notification of the steep slopes shall be included in the Notifications Document. (Condition 1 and Requirement 2)*
  - *The 50-foot no-build zone centered on the gas main shall be shown on the final plat, as shown on the preliminary plat. A notification of the gas main shall be include in the notifications document. (Condition 1 and Requirement 2)*

#### Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.



David Ohnstad

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**From:** David Ohnstad  
**Sent:** Wednesday, February 13, 2008 1:41 PM  
**To:** John Lavey  
**Cc:** 'John C Horat'  
**Subject:** FW: Quast Dairy Lots Prelim Review Completion  
**Attachments:** Prelim Review Completion 020108.pdf

RECEIVED  
FEB 20 2008  
IC-08-02-163  
Ravalli County Planning Dept.

John -

We will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

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**From:** Cindy Kuns [mailto:CKuns@wgmgroup.com]  
**Sent:** Friday, February 01, 2008 5:29 PM  
**To:** David Ohnstad  
**Subject:** Quast Dairy Lots Prelim Review Completion

We have completed our preliminary review of the above-referenced project. Please find our completion memo attached. A hard copy with all referenced attachments is being mailed.

Cindy Kuns  
Project Assistant



P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmgroup.com](mailto:CKuns@wgmgroup.com)  
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>

**Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.**

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.

## EXHIBIT A-2

RECEIVED

APR 11 2008

IC-08-04-342  
Ravalli County Planning Dept.

April 9, 2008

Tristan Riddell  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

Subject : Quast Dairy Lots Subdivision  
Preliminary Plat

Dear Tristan:

Quast Dairy Lots Subdivision preliminary plat shows 16 lots on 36.35 acres. The required parkland dedication would be five percent of the 36.35 acre subdivision or about 1.8 acres. The Ravalli County Park Board concurs with the applicants recommendation of cash-in-lieu to meet their park obligation.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,

Robert M. Cron  
For  
Gary Leese  
Chairperson,  
Ravalli County Parks Board

SEP 13 2005

# Hamilton Rural Fire DISTRICT

USE for all  
districts.

Consensus of All Valley Fire  
Council,  
Ravalli County Planning Dept.  
IC-05-09-1707  
Post Office Box 1994 Hamilton, MT 59840

## FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

### ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

# EXHIBIT A-6

## Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: \* County levied Retirement and Transportation

## EXHIBIT A-9



### Montana Fish, Wildlife & Parks

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3101  
406-542-5500  
Fax 406-542-5529  
March 7, 2008

Tristan Riddell  
Ravalli County Planning Department  
215 S. 4 St., Ste. F  
Hamilton, MT 59840

Reference: Quast Dairy Lots (R & G, Inc.)--Proposed major (16 lots on 30.3 acres)  
subdivision, 1 mile NE of Corvallis

Dear Mr. Lavey:

We have reviewed the location map provided for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>) and USGS topographic maps. Based on evaluating this information and our field knowledge of this location, we believe there is a general possibility of human/wildlife conflicts at this location if residents do not pay attention to careful handling of garbage, storing of attractants, and pet control. We recommend that a "living with wildlife" section be included as covenants for this subdivision, in order to help residents deal with and avoid potential wildlife issues. We have attached a copy of our recommended covenants for this location.

We had contacted you earlier when trying to get a better copy of the plat, since the version we received was unreadable, and we thank you for your efforts in attempting to contact the developer's representative or surveyor. But we need to state that we never did receive a readable plat. Since poor readability of reduced plat copies seems to often happen, we wonder if these applications could be deemed "incomplete" for agency review *until* the applicant provides a reducible, readable enough version of the plat for distribution to reviewers?

Thank you for your time and for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack Long".

Mack Long  
Regional Supervisor

ML/sr

## NORTHWESTERN ENERGY RIGHT-OF-WAY DEVELOPMENT PROVISIONS

1. NorthWestern Energy (hereinafter referred to as "Company") installs, operates, and maintains its natural gas transmission pipelines in accordance with the Department of Transportation's Code of Federal Regulations for the protection of public safety and the protection of its pipeline operations. Should a Developer/Landowner (hereinafter referred to as "Developer") propose plans to alter the area through which Company pipelines pass, causing the pipelines not to meet these standards, modifications to the pipelines or right-of-way will be made. The cost of such modifications will be borne by the Developer.
2. No buildings, engineering works, deep rooted plants, septic systems, or other similar permanent structures will be allowed over any portion of our easement unless the Company determines that the conditions described below have been met as appropriate.
3. Longitudinal road encroachment over the pipeline right-of-way is prohibited. Roads crossing the pipelines perpendicularly will be allowed only with Developer's execution of a Hold Harmless Agreement which releases Company from all damage to the asphalt and concrete associated with any maintenance performed on Company pipelines. All roads passing over Company pipelines where the pipeline depth is less than 48 inches (including borrow ditches) may require the installation of concrete coating around Company pipelines for the entire length that lies under the road. In addition, it may be necessary to lower or reroute the pipelines at the point of crossing to insure that they are not subjected to excessive stress from movement of traffic, or maintenance work. Any such modification to the pipelines will be made at Developer's expense.
4. At any point in the easement where the existing grade profile will be lowered by the removal of earth, Company pipelines must be lowered to a depth that provides a minimum cover of 36 inches (some areas may require additional cover) after final grading. Any lowering which is necessary shall be done at Developer's expense and shall include coating and wrapping the entire exposed portion of pipeline.
5. Construction of paved parking lots over Company pipelines will only be allowed if the construction of the parking lots meets the specifications as set forth by the Company. This may include, but may not be limited to, the installation of manholes in the pavement at Company specified distances for the purpose of gas leak detection.
6. All utilities that cross Company pipelines must pass underneath (unless determined by Company to be impractical) existing pipelines and maintain a minimum separation of 24"(inches). The crossing shall be as close to 90 degrees as practical and adequately marked on both sides of the pipeline. The markers shall be maintained in the future. Any future relocation of the utility pipeline due to Company's pipeline maintenance shall be done at the Developer's expense. If there are specific instances for which gravity flow utilities will not be able to comply with this requirement, please provide an accurate description of the proposed utility and the Company will be willing to discuss possible alternate solutions. Telephone, fiber optics and electric cable crossings must be encased in a conduit and marked with ditch tape. Concrete capping of a cable is an acceptable alternate to the use of a conduit. Any utilities that parallel Company pipelines will maintain a minimum separation distance of 25 feet from the utility's outside wall to the Company's pipeline outside wall.

Randy Fifrick

**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Fifrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).